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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,626	02/01/2001	Motomu Fukasawa	865.4528	3044

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EXAMINER

REIS, TRAVIS M

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,626

Applicant(s)

FUKASAWA, MOTOMU

Examiner

Travis M Reis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 6, 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 7, 10, & 13 are objected to because of the following informalities:

In claim 1, line 7, "resuable" should be ---reusable---.

In claim 1, line 11; in claim 7, line 10; & in claim 10, line 4; "t apparatu" should be ---apparatus---.

In claim 1, line 12; & in claim 7, line 11; "t" should be deleted.

In claim 13, line 2, after "apparatus", the following text should be inserted ---further---

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-10, & 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsushita (JP 11006809A).

Matsushita discloses an apparatus (1) & system for a recoverable and reusable lens unit/video camera (USE section, line 1) with an environmental history indicator member /moisture sensitivity film (4) mounted inside said apparatus, said film and apparatus together capable of being dismounted and further said film not interfering with the operation of said unit, said unit includes an optical member and said film has a property which varies with respect to humidity over time (Figure 1)(NOVELTY section lines 1-4, ADVANTAGE section, lines 1-3). Furthermore, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus

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from a prior art apparatus satisfying the claimed structural limitations. *Ex part Masham*, 2 USPQ2d 1647 (1987).

With respect to the preamble of the claims 1-5, 7-10, & 13-18: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Response to Arguments

4. Applicant's arguments with respect to claims 1-5, 7-10, & 13-18 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. Claims 5, 6, 15, & 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

With reference to claims 5 & 6, the prior art of record does not disclose or clearly suggest an apparatus with an optical filter having a light transmitting property which varies according to any environmental history with respect to temperature and humidity, in combination with the remaining limitations in the claims.

7. The following is an examiner's statement of reasons for allowance:

With reference to claims 11, 12, 15, & 17, the prior art of record does not disclose or clearly suggest an apparatus with an optical filter having a light transmitting property which

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varies according to any environmental history with respect to temperature and humidity, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Quick et al. discloses a method and apparatus for an optical sensor utilizing semiconductor filters (U.S. Patent 4355910). Elliott discloses an optical-type, phase transition humidity-responsive device (U.S. Patent 5022045). Hattori et al. discloses toner density measurement apparatus having output characteristics variable with humidity (U.S. Patent 5146274). Omura et al. discloses a device for erasing residual charge on photosensitive members (U.S. Patent 5272504). Noguchi discloses a projection exposure apparatus and semiconductor device manufacturing method (U.S. Patent 5424803). Gradon et al. discloses an infrared gas analyzer and humidity sensor (U.S. Patent 5438961). Kawai et al. discloses a toner replenishment device for an image forming apparatus which employs pixel density and toner density information (U.S. Patent 5708917) & an image forming apparatus estimating a consumable life of a component using fuzzy logic (U.S. Patent 5778279). Tsai et al. discloses an environmental parameter measurement device and method for laser interferometry (U.S. Patent 590392). Gillette et al. discloses a free floating optical filter clamp (U.S. Patent 6018427). Shinohara discloses an image forming apparatus for judging the life of a photosensitive member based on the revolution member of an intermediate transfer member (U.S. Patent 6112036). Sandison discloses a method and apparatus for a passive optical

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dosimeter comprising caged dye molecules (U.S. Patent 6255659). Iwanaga et al. discloses a monolithic type temperature-humidity sensor (JP 358105047A). Morimoto et al. disclose a crystal optical filter (JP 363142304A). Mochizuki et al. disclose a quartz optical filter (JP 363143503A).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose telephone number is (703) 305-4771. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8160 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Travis M Reis
Examiner
Art Unit 2859



Diego Gutierrez
Supervisory Patent Examiner
Technology Center Technology
Center 2800

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July 14, 2003